

MICHIGAN COURT IMPROVEMENT PROGRAM SURVEY FOR JUDGES AND REFEREES

This survey is part of a statewide reassessment of the Michigan probate courts' handling of child protection cases. It is funded by the Omnibus Budget Reconciliation Act of 1993 (OBRA), a federal initiative designed to assist states in evaluating how their juvenile courts process these cases and in developing plans for system improvement.

We greatly appreciate your efforts in answering survey questions as accurately as possible. Your input will be instrumental in formulating recommendations of benefit to the court and the children and families that come before it.

Circuit Court Number: _____ **County:** _____
Name: _____ **Title:** _____
Workplace Address: _____

Phone: _____ **Fax:** _____
Email: _____

Please check one:

- a. ☐ Judge Full-time Juvenile
- b. ☐ Judge Part-time Juvenile
- c. ☐ Judge (not currently hearing juvenile matters)
- d. ☐ Attorney Referee Full-time Juvenile
- e. ☐ Attorney Referee Part-time Juvenile
- f. ☐ Non-Attorney Referee Full-time Juvenile
 - i. ☐ grandfathered
 - ii ☐ non-grandfathered
- g. ☐ Non-Attorney Referee Part-time Juvenile
 - i. ☐ grandfathered
 - ii. ☐ non-grandfathered

To the individual completing this survey:

For survey purposes, child protection proceedings are defined as child abuse and neglect cases, and include specific proceedings such as emergency placements, abuse and neglect adjudications, initial dispositional hearings, further dispositional reviews, permanency planning hearings, post termination reviews, and adoption proceedings arising out of these cases.

Privacy of responses. Information provided will be reported only in the aggregate and will not be linked to your name in any way. In addition, the identities of all persons responding to this survey will remain strictly confidential.

Please complete this survey within TWO WEEKS of the date you receive it and, unless otherwise instructed, return it to: **Karen Monahan, Muskie School of Public Service, Institute for Child and Family Policy, P.O. Box 15010, Portland, ME 04112**

Section 1: Background and Training

1. For how long have you been presiding over child protection proceedings?

Less than one year ____ One to five years ____ More than five years ____
1 2 3

2. If you were an attorney or in legal practice (private or government) before joining the court, did you devote 25% or more of your time during the last five years in the following areas of practice? Check all that apply.

- a. ☐ Domestic/Family
- b. ☐ Child protection proceedings
- c. ☐ Delinquency
- d. ☐ Criminal cases involving child maltreatment

3. Please indicate if you have one or more years of other experience specifically in child protection proceedings or related child welfare concerns prior to your election/appointment to the court. Check all that apply

- a. ☐ Employee of probate court
- b. ☐ Non-attorney employee of private child welfare agency or service provider or FIA
- c. ☐ Foster Care Review Board Member
- d. ☐ Other (Please specify.) _____

4. What training have you had and what future additional training would you find beneficial in the area of child abuse and neglect and related child welfare concerns? Check all that apply:

	Have Had Training on	Want Future Training on	
a.	<input type="checkbox"/>	<input type="checkbox"/>	Requirements of the Indian Child Welfare Act (ICWA)
b.	<input type="checkbox"/>	<input type="checkbox"/>	Child development
c.	<input type="checkbox"/>	<input type="checkbox"/>	Diversity training/special ethnic and cultural issues related to child protection cases
d.	<input type="checkbox"/>	<input type="checkbox"/>	Title IV E
e.	<input type="checkbox"/>	<input type="checkbox"/>	Monitoring compliance with case plans and court orders
f.		√	Other (Please specify.) _____

Section 2: Workload

5. Please estimate the percentage of time in an average week (40 hrs) you spend on the bench hearing child protection proceedings. [%]
6. Please estimate the percentage of time in an average week that you devote to preparing for scheduled hearings (e.g., reading files and reports or doing research) in child abuse and neglect proceedings. [%]
7. Please estimate the average number of child protection cases that are assigned to your docket on a monthly basis. []
8. Please estimate the average number of all other types of cases assigned to your docket on a monthly basis. []

Section 3: Case Assignment and Scheduling

9. Which of the following best describes the usual method of assigning child protection cases to judges/referees in your court? *Check only one.*
 - a. ☐ Single judicial officer hears case from initial removal or preliminary hearing until case is closed (e.g., permanency plan is implemented)
 - b. ☐ Once judicial officer hears preliminary or initial removal hearing with case then assigned to another judicial officer who presides over the case until it is closed (e.g., permanency plan is implemented)
 - c. ☐ The same case is assigned to multiple judicial officers who preside over the case at different stages of the proceedings
 - d. ☐ Judge hears adjudicatory hearings and termination of parental rights hearings with referees assigned to preliminary and dispositional hearings/reviews

Please use the following rating scale for the following questions which address how frequently you deal with certain matters or how often a particular thing occurs:

1 = never (0%)
2 = rarely (less than 10% of the time)
3 = Sometimes (11-35% of the time)
4 = Often (36-65% of the time)
5 = Most (66-95% of the time)
6 = Always (96-100% of the time)
99 =/NA Unknown or Not Applicable

10. Using the scale above, how often is each hearing set at a time certain (for a specific time when no other hearing will be held)?

Please circle only one response each. If no hearings are set for a time certain, skip to question 13.

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

11. When cases are set for a time certain, what percentage is called within 15 minutes of the scheduled time? Please circle one.

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

12. When cases set for a time certain are not called within 15 minutes of the scheduled times, what are typical reasons for the delays?

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Earlier hearings lasted longer than their scheduled times.	1	2	3	4	5	6	99
b. Attorneys do not appear at the scheduled time.	1	2	3	4	5	6	99
c. Caseworkers do not appear at the scheduled time.	1	2	3	4	5	6	99
d. Parents do not appear at the scheduled time.	1	2	3	4	5	6	99
e. Witnesses do not appear at the scheduled time.	1	2	3	4	5	6	99

13. If cases are block set (several cases set for the same time) in your court, how are they most typically scheduled? Check only one.

- a. ☐ No hearings are block set in the court
- b. ☐ Cases are block set in small groups for a designated time (e.g. 2-3 per hour)
- c. ☐ Cases are block set for a morning or afternoon session
- d. ☐ Cases are block set for a full day

14. Please indicate how often you continue/adjourn cases to another day because there was not enough time to hear all scheduled matters? Please circle only one response for each question

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. How often does this happen for contested hearings (where there is examination and cross examination of witnesses)?	1	2	3	4	5	6	99
b. How often does this happen for non-contested hearings?	1	2	3	4	5	6	99

15. Do you require a written motion for continuances/adjourments? 1. ☐Yes 2. ☐No

16. Are there circumstances in which court staff can grant a continuance/adjourment without judicial approval? 1. ☐Yes 2. ☐No

17. If yes, please provide an example: _____

Section 4: Reports

18. How soon before the following hearings do you receive written reports filed by caseworkers?

Type of Hearing	Number of Days Before Hearing You Receive Caseworkers' Reports					
	Same Day	One Day Before	2-5 Days Before	6 Days or More Before	No Written Report Expected/ Submitted	Not known/NA
a. Disposition	1	2	3	4	5	99
b. Periodic review	1	2	3	4	5	99
c. Permanency Planning	1	2	3	4	5	99

Section 5: Hearings

19. How are *disputed* preliminary removal hearings – where there is disagreement on probable cause or whether the child should be removed from home – usually conducted? *Check only one.*

- a. ☐ The parties/attorneys make representations as to what evidence will show, no testimony (statements by parties about the facts of the case) is taken
- b. ☐ Only caseworker testifies
- c. ☐ Caseworker and other witnesses testify
- d. ☐ Caseworker report is submitted, no testimony is taken
- e. ☐ Combination of a and d

20. How are *non-disputed* preliminary removal hearings – where parents do not challenge the finding of probable cause or the temporary removal of the child from home -- usually conducted? *Check only one.*

- a. ☐ The parties/attorneys make representations as to what evidence will show, no testimony is taken
- b. ☐ Only caseworker testifies (makes statements about the facts of the case)
- c. ☐ Caseworker and other witnesses testify
- d. ☐ Caseworker report is submitted, no testimony is taken
- e. ☐ Combination of a and d

21. How often do the following issues arise during review hearings?

Circle one response per issue.

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Type of child's placement	1	2	3	4	5	6	99
b. Treatment for the child	1	2	3	4	5	6	99
c. Treatment for the parent	1	2	3	4	5	6	99
d. School-related issues	1	2	3	4	5	6	99
e. Caseworker failure to access/provide services	1	2	3	4	5	6	99
f. Appropriateness of the child's out-of-home placement	1	2	3	4	5	6	99
g. Alternatives to out-of-home placement	1	2	3	4	5	6	99
h. Visitation with parents	1	2	3	4	5	6	99
i. Visitation with siblings	1	2	3	4	5	6	99
j. Caseworker visits with child	1	2	3	4	5	6	99
k. Caseworker visits with parents	1	2	3	4	5	6	99
l. Placement with siblings	1	2	3	4	5	6	99
m. Placement with relatives or other adults close to the child	1	2	3	4	5	6	99
n. FIA compliance with previous court orders	1	2	3	4	5	6	99
o. Other party compliance with previous court orders.	1	2	3	4	5	6	99
p. Contempt/sanctions	1	2	3	4	5	6	99
q. Appropriateness of permanency plan	1	2	3	4	5	6	99
r. For all youth 16 and over (regardless of permanency plan), services needed to prepare the youth for independence	1	2	3	4	5	6	99
s. Appropriateness of child's education	1	2	3	4	5	6	99
t. Parents' involvement in case planning	1	2	3	4	5	6	99

22. In regard to permanency planning hearings, how often ...? Circle one answer per event.

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Do you conduct a permanency planning hearing within a year after the filing of the initial petition?	1	2	3	4	5	6	99
b. Do you, at the first permanency planning hearing, approve family reunification as the permanency plan?	1	2	3	4	5	6	99
c. When you approve family reunification as the permanency plan, do you specify or approve a timetable for return home?	1	2	3	4	5	6	99
e. When you find that family reunification is no longer the permanency plan, do you order the agency to initiate proceedings for the termination of parental rights?	1	2	3	4	5	6	99
f. Do you conduct a permanency planning hearing at least once every 12 months following the first permanency planning hearing?	1	2	3	4	5	6	99

23. Estimate how long the following types of hearings usually last: *Referees, please circle /NA (99) if you are not authorized to preside over a particular type of hearing.* Circle one response per event.

	0-5 Minutes	6-15 Minutes	16-59 Minutes	1-3 Hours	Half Day	1 + Days	/NA
a. Non removal preliminary inquiries	1	2	3	4	5	6	99
b. Uncontested preliminary removal hearings	1	2	3	4	5	6	99
c. Contested (where there is examination and cross examination of witnesses) preliminary removal hearings	1	2	3	4	5	6	99
d. Uncontested hearings (adjudicatory, initial dispositional, review, and permanency planning)	1	2	3	4	5	6	99
e. Contested hearings adjudicatory, initial dispositional, dispositional review and permanency planning)	1	2	3	4	5	6	99

	0-5 Minutes	6-15 Minutes	16-59 Minutes	1-3 Hours	Half Day	1 + Days	/NA
f. Uncontested termination of parental rights hearings	1	2	3	4	5	6	99
g. Contested termination of parental rights hearings	1	2	3	4	5	6	99
h. Post-termination reviews	1	2	3	4	5	6	99
i. Uncontested adoption proceedings	1	2	3	4	5	6	99
j. Contested adoption proceedings	1	2	3	4	5	6	99

Section 6: Court Delays

24. How often are contested hearings (where there is examination and cross examination of witnesses) started but then continued for more than 24 hours?

0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
1	2	3	4	5	6	99

25. How long are continued contested hearings typically delayed? *Please circle one.*

1 day	2-5 days	6-10 days	11-30 days	30+ days	/NA
1	2	3	4	5	6

26. Indicate how frequently the following factors cause hearing continuances/adjournments or other delay in the court process: *Circle one response for each factor listed.*

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Failure to identify or locate parents	1	2	3	4	5	6	99
b. Lack of or delay in service of process on parents	1	2	3	4	5	6	99
c. Lack of service on tribe in cases with Native American children	1	2	3	4	5	6	99
d. Appointment/assignment of attorneys for parties delayed	1	2	3	4	5	6	99
e. Attorney(s) not available	1	2	3	4	5	6	99

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
f. Caseworker not available	1	2	3	4	5	6	99
g. Judge/referee not available	1	2	3	4	5	6	99
h. Attorney(s) not prepared	1	2	3	4	5	6	99
i. Caseworker not prepared	1	2	3	4	5	6	99
q. Parent(s), child(ren), or witnesses not available	1	2	3	4	5	6	99
t. Failure to timely file or serve report or document	1	2	3	4	5	6	99
u. Failure to timely serve notice of process	1	2	3	4	5	6	99
v. Inadequate court time to hear case	1	2	3	4	5	6	99
w. Judicial determination needed in related case	1	2	3	4	5	6	99

Section 7: Services

27. For your jurisdiction, please note whether service adequacy and availability delay the implementation of children's permanency plans (e.g., family preservation, reunification with family, termination of parental rights, adoption).

Circle one answer for each service.

Impact of Adequacy and Availability of Services on Timely Permanency Plan Implementation

	No delay	Minor Delay	Significant Delay	/NA
a. Economic and/or employment assistance	1	2	3	99
b. Child care	1	2	3	99
c. Parenting skills training	1	2	3	99
d. Housing assistance	1	2	3	99
e. Transportation	1	2	3	99
f. Education related services/assistance	1	2	3	99
g. Vocational training	1	2	3	99
h. Supervised visitation arrangements	1	2	3	99
i. Mental health assessment and/or treatment	1	2	3	99

	No delay	Minor Delay	Significant Delay	/NA
j. Physical health assessment and/or treatment	1	2	3	99
k. Substance abuse assessment, and/or treatment	1	2	3	99
l. Substance abuse screens	1	2	3	99
m. Domestic violence assessment and/or treatment	1	2	3	99
n. Residential treatment facilities	1	2	3	99
o. Specialized/therapeutic foster care placements	1	2	3	99
p. Group home placements	1	2	3	99
q. Semi-/independent living programs	1	2	3	99
r. FIA agency oversight/monitoring of services	1	2	3	99

Section 8: Specific Federal Requirements that Apply to Child Protection Court Proceedings

Reasonable Efforts

Note: For questions in this section, a “judicial determination of reasonable efforts” is an **actual examination in open court** about the reasonableness of the efforts made by the government to prevent removal of the child from home, reunify the family, or secure and finalize a new permanent placement, whichever applies. A “judicial determination of reasonable efforts” occurs whenever a judge or referee considers, during a hearing, whether such efforts have been reasonable.

28. When you inquire about reasonable efforts to prevent removal or reunify the family, how often are the following issues raised: *Circle one response per issue.*

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. The types of services and assistance offered to the family	1	2	3	4	5	6	99
b. The sufficiency or appropriateness of services offered	1	2	3	4	5	6	99
c. The caseworker’s diligence in ensuring that the services or assistance were provided	1	2	3	4	5	6	99
d. Availability or timing of services	1	2	3	4	5	6	99

29. When you inquire about reasonable efforts to finalize the permanent placement, how often are the following issues raised: *Circle one response per issue.*

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. The placement goal and the appropriateness of the strategy to arrange and finalize a permanent placement	1	2	3	4	5	6	99
b. The services and help actually provided to arrange and finalize the permanent placement	1	2	3	4	5	6	99
c. Caseworkers' diligence in following through to make sure the services were provided	1	2	3	4	5	6	99
d. Timely availability of the services	1	2	3	4	5	6	99

30. Does FIA provide you, at least once annually, helpful comprehensive information regarding services that are available in your community to help bring about family reunification/

1. ☐ Yes 2. ☐ No

31. How often do you make negative reasonable efforts determinations (enter a finding that the FIA has failed to make reasonable efforts)? *Circle only one.*

0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
1	2	3	4	5	6	99

32. How often do you make affirmative findings of reasonable efforts when you actually believe FIA has failed to make reasonable efforts? *Circle only one.*

0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
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33. Which of the statements listed below, if any, are factors in your decision to make affirmative findings of reasonable efforts when you suspect or believe that FIA has not made reasonable efforts? *Check all that apply.*

a. ☐ N/A

b. ☐ Court has insufficient information to make negative findings

c. ☐ Negative findings would impose additional costs on the County, without correcting or improving services arranged or provided by FIA

34. When ordering a child to be returned home, how often do you ...?

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Specify phased-in increased visitation as a transition before the child is actually returned on a long-term basis?	1	2	3	4	5	6	99
b. Specify a timetable for the child's return home?	1	2	3	4	5	6	99
c. Specify continued monitoring by FIA after the child's return?	1	2	3	4	5	6	99

Judicial Determination That Reasonable Efforts to Reunify the Family Are Not Required

Note: Federal and state law provide that, based on certain circumstances, a court may determine that reasonable efforts to reunify the family are not required. If a court makes such a determination, it is to hold a permanency planning hearing within 28 days.

35. In approximately what percentage of cases do you make a finding at adjudication that triggers a 28-day permanency planning hearing? Note the percentages in this question. Circle one answer.

0% Never	1% Rarely	2-5% Seldom	6-10% Often	11% or More Significant Proportion	/NA
1	2	3	4	5	99

36. Of those cases in which you make a finding that triggers a 28-day permanency planning hearing, how often is the finding based on the following? Circle one response per type of finding.

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Abandonment of a young child or sibling	1	2	3	4	5	6	99
b. Criminal sexual conduct of child or sibling	1	2	3	4	5	6	99
c. Battering, torture, or other physical abuse of child or sibling	1	2	3	4	5	6	99
d. Life threatening injury of child or sibling	1	2	3	4	5	6	99
e. Murder or voluntary manslaughter of child or sibling	1	2	3	4	5	6	99
f. Aiding, abetting, attempting, conspiring, or soliciting murder or voluntary manslaughter of child or sibling	1	2	3	4	5	6	99

Concurrent Planning

37. When FIA wishes to do concurrent planning – to work for the reunification of a family but at the same time to arrange for placement with foster parents or relatives who are willing to adopt if the reunification does not succeed – how often do you allow it? *Circle only one.*

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

Mandatory Initiation of Termination of Parental Rights Proceedings

38. In approximately what percentage of cases, within 42 days after it is determined at a permanency hearing that a child should not be returned to his or her parent, does FIA file a permanent custody petition OR document compelling reasons why doing so would not be in the child's best interests? *Circle one answer.*

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

39. In approximately what percentage of cases, within 15 months after a child's placement into foster care, does FIA file a permanent custody motion OR document compelling reasons why doing so would not be in the foster child's best interests? *Circle one answer.*

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

Notice, Participation of Foster Parents, Relative Caretakers, and Preadoptive Parents

40. How often ...? *Circle one answer per event.*

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Does the court notify foster parents of hearings, including foster parents who are not present in court?	1	2	3	4	5	6	99
b. Are foster parents present in review and permanency planning hearings?	1	2	3	4	5	6	99
c. In hearings when foster parents are present in court, do you or an attorney ask foster parents to speak?	1	2	3	4	5	6	99
d. In hearings when foster parents are present in court, do they provide information that is an important factor in your decision or order?	1	2	3	4	5	6	99

Section 9: Representation of Parents

41. How are indigent parents represented?

Check only one. If more than one applies, check the most frequently used method.

- a. ☐ Appointed case by case from lists or by judges
- b. ☐ Public defenders
- c. ☐ Contract Attorneys

42. Estimate the percentage of indigent custodial parents who are represented by attorneys in child protection cases. Answer items a through e.

- a. At preliminary non removal hearings [%]
- b. At initial removal hearings [%]
- c. At adjudication hearings [%]
- d. During court reviews [%]
- e. During termination of parental rights proceedings [%]

43. Estimate the percentage of indigent identified non-custodial legal parents who are represented by attorneys. Answer items a through e.

- a. At preliminary non removal hearings [%]
- b. At initial removal hearings [%]
- c. At adjudications [%]
- d. During court reviews [%]
- e. During termination of parental rights proceedings [%]

44. Estimate the percentage of indigent identified putative fathers who are represented by attorneys. Answer items a through e.

- a. At preliminary non removal hearings [%]
- b. At initial removal hearings [%]
- c. At adjudications [%]
- d. During court reviews [%]
- e. During termination of parental rights proceedings [%]

45. Does your court assign guardians ad litem for parents who are unable to make their own decisions due to mental or developmental disability?

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

46. Does your court assign counsel to represent incarcerated legal parents?

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

47. Does your court assign counsel to represent incarcerated putative fathers?

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

48. Does your court assign counsel to represent identified parents who do not appear for reasons other than those listed in questions 52 and 53? 1. ☐Yes 2. ☐No

49. Are there experience, training, and quality control requirements that must be met in order to appear as an attorney for a parent? 1. ☐Yes 2. ☐No

50. If the court appoints attorneys from a list or monitors payment to attorneys for parents, what is generally their rate of compensation? *If both contract attorneys and individual practitioners are appointed in your jurisdiction, fill out both a and b*

a) Individual practitioner \$ _____ per _____, with a maximum of \$ _____

b) Contract amount \$ _____ per _____, with a maximum of \$ _____

51. Based on your observations of their behavior in court, how often do parents' attorneys do the following advance preparation for disposition and periodic review hearings?

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Talk to the caseworker before the day of the hearing?	1	2	3	4	5	6	99
b. Talk to their clients before the day of the hearing?	1	2	3	4	5	6	99
c. Interview service providers before the day of the hearing?	1	2	3	4	5	6	99
d. When relevant, investigate alternative services that might help reunify the family?	1	2	3	4	5	6	99
e. Investigate parent-child visitation?	1	2	3	4	5	6	99
f. Monitor the case between hearings?	1	2	3	4	5	6	99

52. How often does more than one attorney appear on behalf of a parent during the life of a case?

Circle one answer.

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

Section 10: Advocacy on Behalf of Children

53. Indicate how often children in protection cases are represented by:

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Private/non contractual attorney serving as lawyer-guardian ad litem	1	2	3	4	5	6	99
b. Contractual attorney (e.g. legal services, public defender, child advocacy org) serving as lawyer-guardian ad litem	1	2	3	4	5	6	99
c. GAL in addition to lawyer-guardian ad litem	1	2	3	4	5	6	99
d. CASA in addition to lawyer-guardian ad litem	1	2	3	4	5	6	99

54. Are there experience, training, and quality control requirements that must be met in order to appear as a lawyer-guardian ad litem for a child? 1. ☐Yes 2. ☐No

55. What is the rate of compensation for children's lawyer-guardians ad litem? *If both contract attorneys and individual practitioners are appointed in your jurisdiction, fill out both a and b*

a) Individual practitioner \$_____ per _____, with a maximum of \$_____

b) Contract amount \$_____ per _____, with a maximum of \$_____

56. Based on your observations of their behavior in court, how often, on average, do children's lawyer-guardians ad litem do the following advance preparation for disposition and periodic review hearings?

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Talk to the caseworker before the day of the hearing?	1	2	3	4	5	6	99
b. Talk to their clients before the day of the hearing (not including infants)?	1	2	3	4	5	6	99
c. Visit the child at his or her place of residence at least one day before the hearing?	1	2	3	4	5	6	99
d. Find out how their (school age) clients are doing in school?	1	2	3	4	5	6	99

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
e. When relevant, investigate alternative services that might be provided to the child or family to facilitate family reunification?	1	2	3	4	5	6	99
f. When relevant, investigate alternative services that might be provided to the child or family to secure and finalize a new permanent home for the child (e.g., through guardianship or adoption)?	1	2	3	4	5	6	99
g. Investigate mental health services that might be provided to the child?	1	2	3	4	5	6	99
h. Investigate parent-child visitation?	1	2	3	4	5	6	99

57. How often does more than one lawyer-guardian ad litem appear on behalf of a child during the life of a case? Circle one answer.

0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
1	2	3	4	5	6	99

Section 11: Representation of the Government

58. How often is the government represented by the following in child protection cases?
Answer a through d.

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Locally elected prosecutors	1	2	3	4	5	6	99
b. Contractual attorney (e.g. individual attorney or law firm)	1	2	3	4	5	6	99
c. Attorney employed by FIA	1	2	3	4	5	6	99

59. To your knowledge, do government attorneys believe that they are legally required to represent FIA's position in child protection cases?

1. ☐ Yes 2. ☐ No 3. ☐ Unknown

60. Estimate the percentage of time in which attorneys for the government are present during hearings.
Answer items a through f.

a. ☐ At preliminary non removal hearings [%]

b. ☐ At initial removal hearings [%]

c. ☐ At adjudication hearings [%]

d. ☐ During court reviews [%]

e. ☐ During permanency hearings [%]

f. ☐ During termination of parental rights proceedings [%]

61. To your knowledge, do attorneys representing the government in child protection cases work more than 25% of their time on these types of cases?

1. ☐ Yes 2. ☐ No 3. ☐ Unknown

62. Estimate the percentage of attorneys representing the government who have spent at least one third of their time handling child protection cases:

a. For the last one year or less [%]

b. For the last one to two years [%]

c. For the last two to three years [%]

63. Based on your observations of their behavior in court, how often do government attorneys do the following advance preparation for uncontested disposition and periodic review hearings?

	0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
a. Talk to the caseworker before the day of the hearing?	1	2	3	4	5	6	99
b. Review the case file before the day of the hearing?	1	2	3	4	5	6	99
c. Monitor the case between hearings?	1	2	3	4	5	6	99

64. How often does more than one government attorney appear during the life of a case? *Circle one answer.*

0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
1	2	3	4	5	6	99

Section 12: Indian Child Welfare Act (ICWA)

65. How often do you inquire as to whether a child is of Native American heritage?

0% Never	<10% Rarely	11-35% Sometimes	36-65% Often	66-95% Most	96-100% Always	/NA
1	2	3	4	5	6	99

66. Is someone in your court or at FIA designated to facilitate notification of an identified tribe?

1. ☐ Yes 2. ☐ No 3. ☐ Unknown

67. In approximately what proportion of your cases do you get information concerning whether or not a child coming before your court may be Native American? (Note: If you ask about Native American heritage, please include information you get in response to your questions as well as information that is volunteered by parties.)

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

68. Have you ever presided over a case involving the Indian Child Welfare Act (ICWA)? (If no, skip to question 80) 1. ☐ Yes 2. ☐ No

69. Does your local court give tribal court orders full faith and credit? 1. ☐ Yes 2. ☐ No

70. If the court does not give full faith and credit to tribal court orders, does it regularly honor tribal court orders on the basis of comity ("rule of courtesy by which one court defers to the jurisdiction of another")?

1. ☐ Yes 2. ☐ No

71. How often does the court make a full inquiry into the active remedial efforts undertaken by the state agency to prevent placement of the child in an ICWA case?

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

72. How often does the court consider whether the state agency has complied with the child placement preferences prescribed by ICWA?

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

73. Is there a regular forum available for state court and tribal court personnel, including judges, for joint training and discussion on the requirements of the Indian Child Welfare Act?

1. ☐ Yes 2. ☐ No

74. When needed, does the court have access to qualified experts on Indian culture?

1. ☐ Yes 2. ☐ No 3. ☐ Unknown

Section 13: Foster Care Review Boards

75. Does your jurisdiction have a Foster Care Review Board? If the answer is no, skip to question 87.

1. ☐ Yes 2. ☐ No

76. Are Foster Care Review Board recommendations communicated to your Court?

1. ☐ Yes 2. ☐ No

77. How often do Foster Care Review Board recommendations prompt the filing of termination of parental rights petitions?

0%	<10%	11-35%	36-65%	66-95%	96-100%	
Never	Rarely	Sometimes	Often	Most	Always	/NA
1	2	3	4	5	6	99

78. To what extent are Foster Care Review Board recommendations helpful in making judicial decisions?

Extremely	Very	Not Very	/NA
1	2	3	4

Section 14: Other

79. Do representatives of your court meet regularly with representatives of the local FIA (whether or not others are also present) to discuss strategies for improving management of the child protection caseload?

1. ☐ Yes 2. ☐ No

80. Do representatives of your court meet regularly with attorneys, CASAs or other advocates involved in child protection proceedings to discuss strategies for improving management of the child protection caseload?

1. ☐ Yes 2. ☐ No

81. Does your court actively participate in formal community initiatives organized to address child protection issues?

1. ☐ Yes 2. ☐ No

82. Are mediation or alternative dispute resolution programs available to your court in child protection cases?

1. ☐ Yes 2. ☐ No

83. In your court, are there rooms in which attorneys may meet privately with their clients in child protection cases?

1. ☐ Yes 2. ☐ No

84. Are there waiting rooms in your court that are appropriate for young children, e.g., with toys children may play with and decorations for children?

1. ☐ Yes 2. ☐ No

85. (Optional) What suggestions do you have for modifying the courts' handling of child protection cases?

86. (Optional) Please identify any innovative services or unique approaches to the handling of child protection cases that are in use in your jurisdiction.